

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CHRISTOPHER G. MATHER,)
)
)
Plaintiff,)
)
vs.) NO. CIV-05-178-T
)
)
SUSAN OTTO, et al.,)
)
Defendants.)

ORDER

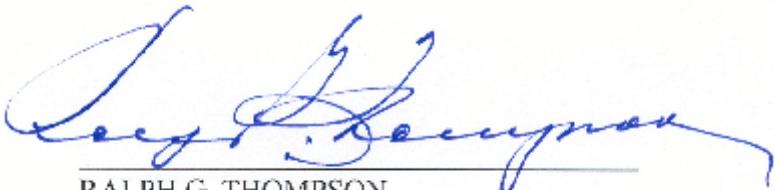
Plaintiff, a federal prisoner appearing *pro se*, filed a civil rights complaint and a motion for leave to proceed *in forma pauperis* in accordance with 28 U.S.C. § 1915(a). On February 24, 2005, United States Magistrate Judge Gary M. Purcell issued an order granting the motion to proceed *in forma pauperis* and directing plaintiff to pay an initial partial filing fee of \$22.40 by March 16, 2005, pursuant to 28 U.S.C. § 1915(b)(1). He further advised plaintiff that he would be required to make monthly payments in amounts based on his income until the full \$250 filing fee was paid. In addition, the magistrate judge advised that failure to pay the initial partial filing fee or to show cause in writing for a failure to pay could result in dismissal of this action.

Plaintiff did not make the initial payment on March 16, 2005 and has not submitted an explanation for his failure to do so. In fact, he has taken no further action in this matter. Because plaintiff failed to make the initial payment, the magistrate judge filed a Report and Recommendation [Doc. No. 11] in which he recommended that this action be dismissed without prejudice to refiling for failure to pay the initial partial filing fee or to show cause for that failure. In the Report and Recommendation, the magistrate judge

advised plaintiff of his right to object to same, and scheduled an April 11, 2005 deadline for filing objections. The magistrate judge also advised plaintiff that his failure to timely object would constitute a waiver of his right to appellate review of the factual and legal issues determined in the Report and Recommendation.

To date, plaintiff has not filed an objection and has not sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 11] is adopted. This action is dismissed without prejudice to its refiling.

IT IS SO ORDERED this 21st day of April, 2005.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE